THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.397 of 2006

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20th April 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26.12.2005 in W.P.NO.27321 OF 2005 on the file of the High Court.)

Between:

1. The APSRTC, rep.by its Regional Manager, Kadapa Region, at Kadapa.

And two others.

...APPELLANTS

AND

C.V.Subbanna, E-411119, Conductor, R/o.Jammalamadugu, Kadapa District.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.397 OF 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard the learned Standing Counsel appearing on behalf of the appellants and the learned counsel appearing on behalf of the respondent.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant/Corporation filed this appeal aggrieved by the order dated 26.12.2005 in Writ Petition being W.P.No.27321 of 2005 wherein the learned Single Judge allowed the Writ Petition directing that the order dated 19.03.1998 passed by the second appellant shall be treated as the one for stoppage of annual increment for a period of one year without cumulative effect, however, the respondent shall not be entitled to any monetary benefit that had accrued up to the date of the order. All this

exercise was done without holding any departmental enquiry against the respondent as per the proceedings dated 19.03.1998.

Having heard on either side and on perusal of the material available on record, the only question that arises for consideration is that the punishment of stoppage of annual increment for a period of one year without cumulative effect is a major one, which definitely calls for an enquiry. Further, in the similar circumstances, as per the common judgment dated 10.04.2006 in W.A.No.340 of 2006 & batch, this Court held that such punishment would amount to a major punishment and therefore, it calls for an enquiry without which, the said proceedings are vitiated. Following the same, we do not find any merits in the appeal.

Accordingly, the Writ Appeal is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

20th April 2006

RRB